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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/776,956 | 02/05/2001 | Jared Schutz | Proflowers -P1-01 | 2313 |

7590
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06/02/2006

| EXAMINER |
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PHAM, THIERRY L

| ART UNIT | PAPER NUMBER |
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2625

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/776,956 | SCHUTZ ET AL. | |
| | Examiner | Art Unit | |
| | Thierry L. Pham | 2625 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on RCE filed on 1/27/06.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>10/11/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

- This action is responsive to the following communication: RCE filed on 1/27/06.
- Claims 1-27 are pending.
- IDS filed on 10/11/05 has been considered by the examiner.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/27/06 has been entered.

Claim Objections

Claim 7 is objected to because of the following informalities: Limitations as cited in claim 7 "print is enabled by receiving a financial institution computer system communication" should read as "printing is enabled by receiving shipping signals from a financial institution computer system communication" or other equivalent. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant

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for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Barad et al (US 6206750).

Regarding claim 1, Barad discloses a method including:

forming, from a singular sheet (sheet 82, fig. 27) at least two of a carrier waybill area (at least two waybill areas, fig. 27) a packing list area (packing list 88, fig. 27), and a customizable component area (customizable component 86, fig. 27), wherein

if one of the at least two areas includes the carrier (mailing label 84, fig. 27) waybill area, printing a carrier waybill (ref. 84, fig. 27) on the shipping sheet area,

if one of the at least two areas includes the packing list (packing list 88, fig. 27) area, printing a packing list (fig. 27) on the packing list area, and

if one of the at least two areas includes the customizable component area (customizable component 86, fig. 27), printing a customizable component (fig. 27) on the customizable component area.

Regarding claim 2, Barad further discloses the method of claim 1, wherein the forming includes all of the areas (all areas, fig. 27).

Regarding claim 3, Barad further discloses the method of claim 1, wherein the at least two areas include the customizable component, and printing a customizable component is enabled by receiving a digital message defining the printing of the customizable component from a consumer computer system (consumer computer system 68, fig. 8).

Regarding claim 4, Barad further discloses the method of claim 1, wherein the at least two areas includes the customizable component, and printing a customizable component is enabled by receiving a digital message defining the printing of the customizable component from a consumer computer system (consumer computer system

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68, fig. 8) at an ordering center system (order system, fig. 8), and communicating the message to the distribution center (order processing system, fig. 8).

Regarding claim 5, Barad further discloses the method of claim 1, wherein the at least two areas includes the carrier waybill, and the printing the carrier waybill is enabled by receiving shipping signals from a courier shipping computer system (shipping computer 80, fig. 8).

Regarding claim 6, Barad further discloses the method of claim 2, wherein the printing the carrier waybill is enabled by receiving shipping signals from a courier shipping computer system (shipping computer 80, fig. 8).

Regarding claim 7, Barad further discloses the method of claim 1, wherein the printing is enabled by receiving a financial institution computer system (database maintenance computer system, fig. 8) communication.

Regarding claim 8, Barad further discloses the method of claim 1, wherein the forming includes demarking (col. 10, lines 20-25) indicative of separability of pieces to correspond to the at least two areas.

Regarding claim 9, Barad further discloses the method of claim 1, wherein the forming includes perforating (perforated along line 98, fig. 27, col. 10, lines 8-10) indicative of separability of pieces (fig. 27) to correspond to the at least two areas.

Regarding claim 10, Barad further discloses the method of claim 1, wherein the at least two areas includes the customizable component and further including associating (associating via using barcode, fig. 27) the customizable component with goods in a package, and shipping the package in accordance with the carrier waybill.

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Regarding claims 11-12, Barad further discloses the method of claim 1, further including associating a piece of the sheet comprised of one of the areas with goods (i.e. dolls, fig. 27) in a package, and shipping the package.

Regarding claims 13-14, Barad further discloses the method further including associating a piece of the sheet comprised of one of the areas with flowers (shipping label as shown in fig. 27 could be for any products including flowers) in a package, and shipping the package.

Regarding claims 15-16, Barad further discloses the method of claims 1-2 (respectively), wherein the customizable component is comprised of a graphic and/or text (ref. 86, fig. 27).

Regarding claim 17, Barad further discloses a product (shipping label, fig. 27) produced by the process of claim 1.

Regarding claims 18, Barad discloses a method including:
forming multiple parts from a sheet (shipping sheet 82, fig. 27), the parts including at least two of a packing list a customizable component (ref. 86, fig. 27), and shipping sheet (ref. 84, fig. 27);
combining one of the at least two parts with a package (col. 10, lines 8-25), and shipping the package.

Regarding claim 19, Barad further discloses the method of claim 18, wherein the sheet is integral (fig. 27) when printing the at least two of a packing list, a customizable component, and a shipping sheet.

Regarding claim 20, Barad further discloses the method of claim 18, wherein the sheet is not integral (col. 10, lines 8-25) when printing at least two of a packing list, a customizable component, and a shipping sheet.

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Regarding claims 21-22, Barad further discloses the method of claims 19-20 (respectively), wherein the printing is enabled by a TCP/IP (fig. 8, col. 5, lines 38-41) communication.

Regarding claim 23, Barad further discloses the method of claim 18, wherein the shipping sheet designates goods (dolls, fig. 27) in the package.

Regarding claim 24, Barad further discloses a product (shipping label, fig. 27) produced by the process of claim 18.

Regarding claim 25, Barad discloses a method including:
forming a combination (shipping label, fig. 27) of a portion from a sheet with a package, the portion including at least one of a packing list (packing list 88, fig. 27) , a customizable component (customizable component 86, fig. 27) , and a shipping sheet (shipping sheet 84, fig. 27), and shipping (package label for shipping the package, fig. 27) the combination.

Regarding claim 26, Barad further discloses the method of claim 23, wherein the at least one includes the shipping sheet and the customizable component, and the shipping sheet designates goods corresponding to an order placed over the Internet (fig.1).

Regarding claim 27, Barad further discloses a product (shipping label, fig. 27) produced by the process of claim 25.

Claims 1-3, 8-20, and 23-25, 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Murphy (US 5984778).

Regarding claim 1, Murphy discloses a method including:

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forming, from a singular sheet (shipping sheet 10, fig. 1) at least two of a carrier waybill area a packing list area (packing list area 48, fig. 1), and a customizable component area (customizable area 28, fig. 1, col. 1, lines 40-45), wherein

if one of the at least two areas includes the carrier waybill area (shipper receipt 82, fig. 1), printing a carrier waybill on the shipping sheet area,

if one of the at least two areas includes the packing list area (packing list 48, fig. 1), printing a packing list (packing list as shown in fig. 1) on the packing list area, and

if one of the at least two areas includes the customizable component area (customizable area 28, fig. 1, col. 1, lines 40-45), printing a customizable component (col. 1, lines 40-45) on the customizable component area.

Regarding claim 2, Murphy further discloses the method of claim 1, wherein the forming includes all of the areas (all areas, fig. 1).

Regarding claim 3, Murphy further discloses the method of claim 1, wherein the at least two areas include the customizable component (customizable area 72, fig. 3), and printing a customizable component is enabled by receiving a digital message (i.e. company name, customer's name and address, special instructions, fig. 3) defining the printing of the customizable component from a consumer computer system.

Regarding claim 8, Murphy further discloses the method of claim 1, wherein the forming includes demarking (ref. 78 & 80, fig. 1) indicative of separability of pieces to corresponding to the at least two areas.

Regarding claim 9, Murphy further discloses the method of claim 1, wherein the forming includes perforating (ref. 78 & 80, fig. 1) indicative of separability of pieces to correspond to the at least two areas.

Regarding claim 10, Murphy further discloses the method of claim 1, wherein the at least two areas includes the customizable component and further including associating

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the customizable component (i.e. associating via using tracking number or reference number, fig. 3) with goods in a package, and shipping the package in accordance (i.e. prepaid shipping cost package, fig. 3) with the carrier waybill.

Regarding claims 11-14, Murphy further discloses the method of claim 2, further including associating a piece of the sheet (i.e. packing slip 48, fig. 1) comprised of one of the areas with goods in a package, and shipping (attached the packing slip to package for shipping, fig. 1, package could be anything including flowers to be shipped) the package.

Regarding claims 15-16, Murphy further discloses the method of claim 1, wherein the customizable component is comprised of a graphic (graphic 104 or company logo, fig. 1) and text (i.e. company name, fig. 1).

Regarding claim 17, Murphy further discloses a product (shipping label, fig. 1) produced by the process of claim 1.

Regarding claim 18, Murphy discloses a method including:
forming multiple parts from a sheet (shipping sheet with multiple parts, fig. 1), the parts including at least two of a packing lists (packing lists 48 and 28, fig. 1), a customizable component, and a shipping sheet;
combining one of the at least two parts with a package (packing list 48 with tracking number, fig. 1); and
shipping (label for shipping the package, fig. 1) the package.

Regarding claim 19, Murphy further discloses the method of claim 18, wherein the sheet is integral (fig. 1) when printing the at least two of a packing list, a customizable component, and a shipping sheet.

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Regarding claim 20, Murphy further discloses the method of claim 18, wherein the sheet is not integral (detachable, fig. 1) when printing at least two of a packing list, a customizable component, and a shipping sheet.

Regarding claim 23, Murphy further discloses the method of claim 18, wherein the shipping sheet designates goods (label as shown in fig. 1 for goods to be shipped) in the package.

Regarding claims 24, Murphy further discloses a product (shipping label, fig. 1) produced by the process of claim 1.

Regarding claim 25, Murphy discloses a method including:
forming a combination (shipping label, fig. 1) of a portion from a sheet with a package, the portion including at least one of a packing list (packing list 48, fig. 1), a customizable component (customizable component 28, fig. 1), and a shipping sheet (shipping sheet 116, fig. 1), and shipping (package label for shipping the package, fig. 1) the combination.

Regarding claim 27, Murphy further discloses a product (shipping label, fig. 1) produced by the process of claim 25.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-7, 21-22, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy as described above, and in view of Mosher et al (US 6029143).

Regarding claims 4-7, 21-22, and 26, Murphy discloses a method for printing shipping label via label printer such as laser printer (col. 3, lines 30-32) comprising at least two areas (fig. 1) includes the customizable component, and printing a customizable component is enabled by receiving a digital message defining the printing of the customizable component from a consumer computer system at an order system, but fails to teach and/or suggest communicating the message to a distribution center.

Mosher, in the same field of endeavor for printing shipping label (fig. 3d), teaches a well-known example of communicating (communication system and protocol as shown in fig. 1 includes FTP/IP, col. 9, lines 45-47) a digital message from consumer computer system to a distribution center (figs. 1-2).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify invention of Murphy to include a communication method and protocols for communicating a digital message from consumer computer system to a distribution center as taught by Mosher because of a following reason: (●) it provides an efficient communication method and/or protocol that enable consumer to communicate digital message not only locally, but also remotely (i.e. distribution center); (●) it allows label printer as taught by Murphy to not only print information transmitted locally (i.e. user's computer) but also information from different users (i.e. remotely), remote distribution center, remote financial institution, and etc.

Therefore, it would have been obvious to combine Murphy with Mosher to obtain the invention as specified in claims 4-7, 21-22, and 26.

Conclusion

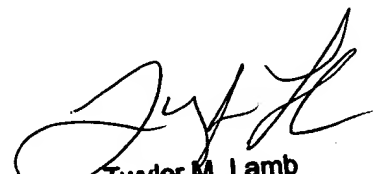
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thierry L. Pham whose telephone number is (571) 272-7439. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thierry L. Pham


Twyler M. Lamb
Supervisory Patent Examiner